



MITCHELL E. DANIELS, JR., *Governor*

JAMAL L. SMITH, *Executive Director*

ICRC No.: EMsh11120799
EEOC No.: 24F-2012-00156

JOSHUA S. BREWSTER, in his official capacity as
DEPUTY DIRECTOR of the
INDIANA CIVIL RIGHTS COMMISSION and
ANNMARIE STEVENS,
Complainants,

vs.

B&S OF FORT WAYNE, INC. dba SHOWGIRL,
Respondent.

NOTICE OF FINDING,
NOTICE OF AMENDMENT and
NOTICE OF CONSOLIDATED COMPLAINT

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice has occurred. 910 IAC 1-3-2(b)

On November 26, 2011, [REDACTED] ("Complainant") filed a complaint with the Commission against Showgirl One ("Respondent") alleging sexual harassment in violation of the Indiana Civil Rights Law (IC 22-9, et seq) and Title VII of the Civil Rights Act of 1964, as amended, (42 U.S.C. §2000e, et seq). Accordingly, the Commission has jurisdiction over the parties and the subject matter of this complaint. The complaint is hereby amended to reflect the appropriate legal entity as Respondent, B&S of Fort Wayne, Inc. dba Showgirl. Furthermore, the Deputy Director has determined that relief for more than the individual complainant is appropriate, and pursuant to 910 IAC 1-2-3(c), hereby gives notice of such complaint and simultaneously consolidates such complaint with the amended complaint.

An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Deputy Director now finds the following:

The issue before the Commission is whether Complainant was subjected to unlawful harassment based on her sex. In order to prevail, Complainant must show that: (1) she experienced sexually offensive comments or actions in the workplace; (2) the comments or actions were severe or pervasive; (3) Complainant made it known that the comments/actions were unwelcome; and (4) Respondent failed to take corrective action to address the hostile work environment.

Complainant reports that she experienced an offensive action and comment of a sexual nature in the workplace by Respondent's owner, [REDACTED]. Witness testimony substantiates that something startling occurred between Mr. [REDACTED] and Complainant on November 11, 2011.



Witness reports that Complainant abruptly jerked away from Mr. [REDACTED]. A short time afterward Complainant informed this witness that [REDACTED] had grabbed her crotch and stated that he was going to take her home and "[REDACTED] her". Additional witness testimony attested to the sexually charged atmosphere that Mr. Butler created between himself and his employees. Witnesses report that Mr. [REDACTED] sexually harassed other female employees on November 11, 2011, including comments and physical touching.

Since the owner was the harasser Complainant would not be expected to report the harassment to another member of management. This would especially be true since Complainant reports that a member of management witnessed this action. Lending credibility to Complainant's allegations is the fact that she left work early and went to the police station to file criminal charges against [REDACTED].

Based upon the above findings, probable cause exists to believe that an unlawful discriminatory practice may have occurred. A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. IC 22-9-1-18, 910 IAC 1-3-5 The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Commission's Administrative Law Judge will hear this matter. IC 22-9-1-16, 910 IAC 1-3-6

April 5, 2012
Date

Joshua Brewster, Esq.
Deputy Director
Indiana Civil Rights Commission